

# YEMEN

## EXECUTIVE SUMMARY

Yemen is a republic with a constitution that provides for a president, parliament, and an independent judiciary. In 2006 citizens elected President Ali Abdullah Saleh to another seven-year term in a generally open and competitive election, but one characterized by multiple problems with the voting process and the use of state resources on behalf of the ruling party. Ali Abdullah Saleh led North Yemen from 1978 until its unification with South Yemen in 1990 and the unified Yemeni state through 2011. Saleh agreed to transfer power in November, marking the first change in Yemen's leadership structure in more than 33 years and setting in motion a two-year transition period. Although the constitution provides for a separation of powers, until the transition agreement, Saleh, his family, and close allies maintained nearly exclusive control of the state apparatus. There were significant instances in which elements of the security forces acted independently of civilian control. Following the defection of a key military commander in March, major components of the armed forces were not under government control. Those remaining under de jure government authority were for the most part under the direct control of the Saleh family, rather than formal national authorities.

Large-scale demonstrations began on January 23 calling for the removal of the Saleh family from power. The subsequent defection of military units, an internal armed conflict between government and opposition forces beginning in May, and President Saleh's refusal to implement an internationally brokered transition agreement until November 23 led to a prolonged period of upheaval that triggered a severe economic decline, increased insecurity around the country, and a humanitarian crisis. National institutions were ineffective or nonexistent, and the independence of the judiciary was undermined. Parliamentary sessions were not held between April and December, restarting only after the signing of the transition agreement in late November. With tensions continuing at year's end, although at a decreased intensity after the start of the transition process, the political stalemate and armed conflict between elites generally resulted in a degraded human rights environment.

The most important human rights problems were government military and security forces' violent reactions to citizens' efforts to peacefully change their government, and the inability of citizens to exercise the full range of their basic human rights.

Other major human rights problems included: torture and other cruel, inhuman, or degrading treatment or punishment; arbitrary arrest and detention; denial of fair public trials; lack of judicial independence; limits on freedoms of speech, press, and assembly; extremist threats and violence; restrictions on freedom of movement; lack of transparency and significant corruption at all levels of government; use of child soldiers by organized forces and tribal and other informal militias; and restrictions on worker rights.

Impunity was persistent and pervasive. The government did not undertake credible investigations or prosecutions of officials for human rights abuses. Government officials implicated in serious human rights violations remained in their positions at the end of the year.

Nongovernmental actors engaged in internal armed conflict with government forces and proxies and committed abuses related to traditional tribal conflicts or simple criminality. Multiple armed groups, including opposition and progovernment tribal militias, regionally and religiously oriented insurgents, terrorist groups including Al-Qaida in the Arabian Peninsula (AQAP), military units that had defected, and government-sponsored “thugs,” perpetrated numerous human rights abuses. Principal among these were arbitrary killings, unlawful detentions, and use of excessive force, often in heavily populated urban areas, where combatants employed artillery, rockets, and sometimes tanks, which resulted in the deaths of hundreds of persons.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Government forces and proxies responded with excessive force to Arab Spring-inspired opposition demonstrations, as well as to demonstrations seeking greater autonomy in the southern governorates. Excessive force was also used in internal armed conflicts in Sana’a, Ta’iz, Zinjibar, and elsewhere, resulting in the killing of civilian bystanders (see sections 1.g. and 2.b.).

Although there were no reports of abuses by regular army units, internal security forces such as the Central Security Forces (CSF), and members of special military units, particularly the Republican Guard, repeatedly used lethal force against opposition protesters seeking the ouster of President Saleh. Non-uniformed pro-

Saleh gunmen, who according to credible sources received payment and weapons from regime figures, also killed and injured opposition protesters.

According to a September 16 report of the UN Office of the High Commissioner for Human Rights (OHCHR), “many Yemenis peacefully calling for greater freedom, an end to corruption, and respect for rule of law were met with excessive and disproportionate use of lethal force by the state.” The report, issued after the June 28-July 6 visit of an OHCHR delegation, noted a pattern of the use of live ammunition to quell protests in Aden in February that subsequently spread to Sana’a, Ta’iz, Ibb, Hudaydah, Mukalla, Dhamar, and al-Baydah. In Ta’iz, the Republican Guard, under the command of Brigadier General Murad al-Awbali, repeatedly launched artillery barrages targeting opposition demonstrators. The OHCHR report added that government forces also used tear gas, batons, electric stun guns, and polluted water cannons. The government in many cases used only nonlethal means but often failed to adhere to a policy of a graduated use of force. By October 18, attacks by government forces and pro-Saleh civilians resulted in the deaths of at least 245 demonstrators and bystanders.

On March 18, gunmen in civilian clothes shot into crowds and killed more than 50 unarmed demonstrators in the “Change Square” sit-in site in Sana’a. According to independent and opposition observers, the gunmen were members of unidentified government military and other security units, as well as tribesmen paid by government funds. The nature of the wounds--many victims were shot in the head--indicated a level of proficiency suggesting formal military training, and many of the gunmen fired from properties owned by government officials. The government claimed that the protesters were impinging on the rights of residents in the neighborhood near Change Square, that some of the protesters were armed, and that the gunmen were individuals protecting their property. Uniformed security forces did not intervene to stop the gunmen firing into the crowd. Seventy-eight suspected gunmen were charged for alleged crimes during the March 18 attack. Their cases did not reach a final disposition by the end of the year.

On May 29, approximately 50 demonstrators and bystanders were killed when units of the Republican Guard, a military force commanded by the president’s son, Ahmed Ali al-Saleh, raided an opposition sit-in site in Ta’iz. Republican Guards employed small arms, mortars, and tanks. They burned the demonstrators’ tents and, according to eyewitnesses, raided a local hospital, removing medical supplies and damaging equipment. Brigadier General al-Awbali did not face sanctions and remained at his post at the end of the year.

The head of security in Ta'iz during the May 29 incident, Abdullah Qairan, had been removed in March from his position as the head of security in Aden following repeated reports of use of excessive force against demonstrators aligned with the southern secessionist "Al-Hirak" movement. He was thereafter appointed as the head of security in Ta'iz, and accounts of use of excessive force by security services were reported there within days. A prosecutor in Aden Governorate issued a warrant for Qairan's arrest in September, which remained unexecuted at year's end. Despite the warrant and a pattern of excessive force under his tenure in both Aden and Ta'iz, including the attack on May 29, Abdullah Qairan remained in his position as security director in Ta'iz at the end of the year.

Politically motivated killings by nongovernmental actors also occurred. On June 3, a bomb placed in a mosque in the Presidential Palace exploded while President Saleh, other high-level government officials, and dozens of security personnel were attending prayers. Dozens were killed, including the head of the Shura Council, and President Saleh was severely injured along with the governor of Sana'a, the speaker of parliament, and other senior officials. No group claimed responsibility for the attack, and an investigation continued at the end of the year.

Terrorist and insurgent groups also committed unlawful killings. AQAP members conducted multiple attacks on Houthi-affiliated tribesmen in northern Yemen. AQAP members and associated militants also assassinated members of government security services in the southern cities of Aden and Zinjibar and were responsible for the deaths of many civilians during continued AQAP attempts to take control of Zinjibar from May until the end of the year.

## **b. Disappearance**

During the year there were reports of politically motivated disappearances of individuals associated with southern protests. Although many disappearances were short-term detentions followed by releases, the whereabouts of other individuals remained unknown for months or longer. Civil society groups accused the government of using sporadic disappearances to intimidate the populace. On February 20, Hassan Baum, a prominent leader of the Southern Movement, and his son Fawaz were kidnapped by government personnel while convalescing at a hospital in Aden. They were held until December 7 without charge, during which time they were denied contact with family and lawyers, who had no information about their location.

Tribal kidnappings traditionally carried out to attract government attention to specific grievances also occurred. For example, gunmen kidnapped three foreign aid workers on November 22, reportedly in an effort to pressure the government to release colleagues whom the government had detained the day before. The aid workers were released two days later. Members of opposition armed groups, including First Armored Division personnel, tribesmen affiliated with Sadiq and Hamid al-Ahmar, and followers of religious cleric Abdul Majid al-Zindani kidnapped government officials and Saleh loyalists (see section 1.g.). The kidnap victims were generally held for short periods and then released, at times as part of prisoner exchanges with the government. In addition to politically motivated tribal kidnappings, women and girls were also kidnapped as part of traditional coerced marriage. Since the law does not recognize spousal rape, any rape would be legally negated by a subsequent marriage (see section 6).

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, but there were reports that government officials employed them. Domestic law lacks a comprehensive definition of torture, according to the 2010 UN Committee against Torture's *Concluding Observations* on the country. Mistreatment of prisoners and detainees was barred as a matter of law and policy, but a lack of discipline and training resulted in violations, some of which were reported.

Human rights nongovernmental organizations (NGOs) and former detainees and prisoners alleged that authorities employed torture and mistreatment. The NGO Amnesty International (AI) reported allegations of torture and other mistreatment by police and prison guards, particularly by National Security Bureau (NSB) officials, in the first weeks of detention. Methods cited included beatings with sticks and rifle butts, kicking, and prolonged suspension by the wrists. The OHCHR delegation visit report contained allegations of such treatment of civilians by several government security organizations. The OHCHR also reported that it appeared that opposition supporters committed acts of torture. The OHCHR met a pro-Saleh poet who reportedly was tortured in May by antigovernment supporters, and released after having his tongue removed for having praised the president. Similarly, some clerics who spoke in favor of the president were assaulted.

### **Prison and Detention Center Conditions**

Local and international observers reported prison conditions remained poor and did not meet international standards. The government permitted visits to most facilities by independent human rights observers, although access was granted very arbitrarily and often depended on local supervisors' decisions.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. In some cases prison authorities reportedly extracted bribes from prisoners to obtain privileges or refused to release prisoners who had completed their sentences until the prisoners family members paid authorities.

Approximately 11,000 prisoners (of whom 1.6 percent were female and 1.4 percent juveniles) were held in Ministry of Interior (MOI) prisons. More than half of those incarcerated were either awaiting trial or were under remand subject to investigation. Pretrial detainees were held with convicted criminals. Because of poor record keeping and a lack of communication between prisons and the central government in Sana'a, the size of the prison population could only be roughly estimated.

In some rural and women's prisons, children were held with adults. By custom young children and infants born in prison remained in custody with their mothers. Local NGOs asserted children were held with adults in Sana'a jails. Male and female prisoners were segregated and were subject to similar conditions. Segregation between adults and juveniles was inconsistent. Prisoners had access to potable water. Complaints to judicial authorities could be submitted, but the process was not practicable during the year because of the general breakdown in government services accompanying the political unrest. Prisoners and detainees generally had visitors and were permitted religious observance. Authorities granted limited access to family members of Political Security Office (PSO) prisoners and detainees but routinely denied parliamentarians and NGOs access to investigate human rights violation claims. The PSO argued that those denied access failed to comply with proper notification procedures.

In general, there was no public evidence that authorities investigated credible allegations of inhumane conditions. There was no ombudsman to serve on behalf of prisoners and detainees. There were no known efforts to improve record keeping or to use alternatives to sentencing for nonviolent offenders. The International Committee of the Red Cross (ICRC) conducted multiple visits to PSO and MOI prisons. However, government officials denied ICRC delegates access to

NSB prisons. The ICRC was also granted access to detention facilities maintained by opposition groups.

Opposition groups and military units that defected to the opposition, such as the First Armored Division, maintained detention facilities to which ICRC delegates were granted access. In some instances opposition groups held detainees for alleged criminal violations.

Unauthorized “private” prisons and detention centers in rural areas controlled by tribes continued to operate, holding persons subject to tribal justice. Tribal leaders sometimes misused the prison system by placing “problem” tribesmen in private jails, sometimes simply rooms in a sheikh’s house to punish them for noncriminal actions. Persons often were detained in such circumstances for strictly personal or tribal reasons without trial, judicial sentencing, or other fundamental legal safeguards.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but the government often did not observe these prohibitions. Enforcement of the law was inconsistent, particularly in cases involving suspected security offenders and those from the political opposition.

#### **Role of the Police and Security Apparatus**

The primary state security and intelligence-gathering entities, the PSO and the NSB, report directly to the Office of the President. There was no clear definition of many of the NSB’s duties, which have evolved from protecting the country from external threats to overlapping with those of the PSO, which is domestically focused and charged with identifying and combating political crimes and acts of sabotage.

The Criminal Investigation Division reports to the MOI and conducted most criminal investigations and arrests. The Central Security Office, also a part of the MOI, maintains a Counter Terrorism Unit and the paramilitary CSF, which was often accused of using excessive force in crowd control situations.

Units under the formal supervision of the Ministry of Defense (MOD) were also employed to quell domestic unrest and to participate in internal armed conflicts. Regular army units were engaged in fighting AQAP and associated groups located

in Zinjibar in Abyan Governorate but were not used in domestic law enforcement. However, special units under the MOD, including the Republican Guard, were used to suppress demonstrations and often employed excessive force. The Republican Guard commander, the president's son Ahmed Ali Saleh, also commanded the Yemen Special Operations Forces, which, along with the Counter Terrorism Unit, were deployed during internal armed conflicts in Sana'a and Abyan with domestic counterterrorism and regime-protection functions.

The CSF, Yemen Special Operations Forces, Republican Guards, NSB, and other security organs ostensibly reported to civilian authorities in the ministries of interior and defense and Office of the President. However, members of President Saleh's family controlled these units, often through unofficial channels rather than through the formal command structure. This fact, coupled with a lack of effective mechanisms to investigate and prosecute abuse and corruption, exacerbated the problem of impunity. There were no attempts to reform security forces, which were largely ineffective in preventing or responding to societal violence. The transition agreement implemented on November 23 commits the government to reorganizing the security and armed forces, a process started in December with the creation of a joint Military and Security Committee.

### **Arrest Procedures and Treatment While in Detention**

The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons and that a detainee must be arraigned within 24 hours or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates a detainee may not be held longer than seven days without a court order. The government frequently did not respect these rights in practice.

There are legal provisions for bail, but some authorities abided by these provisions only if they received a bribe. The law prohibits incommunicado detention and provides detainees the right to inform their families of their arrests and to decline to answer questions without an attorney present, but these rights were not always respected. The law states that the government must provide attorneys for indigent detainees, but in practice it often did not do so. Tribal mediators reportedly settled almost all rural cases without reference to the formal court system.

Citizens regularly claimed security officials did not observe due process when arresting and detaining suspects and demonstrators. Some members of the security forces continued to arrest or detain persons for varying periods without charge,



family notification, or hearings. Detainees were often unclear which investigating agency had arrested them, and the agencies frequently complicated determination by unofficially transferring custody of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

The UN Committee against Torture expressed concern in its 2010 *Concluding Observations* report about the government holding relatives of alleged wanted criminals.

Although both denied it, the MOI and the PSO operated extrajudicial detention facilities, according to local and international NGO reports. Unauthorized private prisons and detention facilities also existed.

Arbitrary Arrest: Both government and nongovernmental groups commonly practiced arbitrary arrest. The number of persons arrested in arbitrary circumstances was difficult to estimate, as many detainees' names were not recorded, some detainees were never transferred to official detention centers, and many were arrested and released multiple times during the year. According to the domestic NGO Yemeni Human Rights Organization (HOOD), security forces repeatedly arrested peaceful protesters in Sana'a throughout the year.

Pretrial Detention: An international monitoring organization estimated that approximately 53 percent of MOI detainees were either charged and awaiting trial or being held while an investigation was pending. Despite the law, prolonged detention without charge--or, if charged, without a public preliminary judicial hearing within a reasonable time--were common practices. Trial delays were caused by judicial inefficiency, corruption, and staff shortages.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the judiciary was weak and not independent in practice, as corruption and executive branch interference severely hampered its operations. Litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained, and some were closely associated with the ruling party. The government's frequent reluctance to enforce court orders further undermined the integrity and efficiency of the judiciary. Members of the judiciary were threatened and harassed.

## **Trial Procedures**

Defendants are considered innocent until proven guilty. Trials are generally public, but all courts may conduct closed sessions “for reasons of public security or morals.” There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf; defendants and their attorneys have access to government-held evidence relevant to their cases. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the government to furnish attorneys for indigent defendants in serious criminal (felony) cases; in practice counsel was not always provided. All defendants have the right to appeal.

A court of limited jurisdiction considers security cases. A specialized criminal court, the State Security Court, operates under different procedures with nonpublic sessions. However, it was not operational during the year because of persistent unrest. It was first established in 1999 to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a “public danger.” This court does not provide defendants with the same rights provided in the regular courts. Defense lawyers reportedly did not have full access to their clients’ charges or relevant government-held evidence and court files.

In addition to established courts, there is a system of tribal adjudication for noncriminal issues; in practice tribal judges often adjudicated criminal cases. Persons tried under the tribal system usually had not been formally charged with a crime but had been publicly accused. The results carried the same, if not greater, weight as court judgments, as tribal process was often respected by the public more than a formal court system seen by many as corrupt and lacking independence.

## **Political Prisoners and Detainees**

There were reports of political prisoners and detainees. The government detained numerous Southern al-Hirak secessionists for their antiregime activities and other demonstration leaders, journalists, persons with alleged connections to the Northern Houthi rebels, and mainstream proreform demonstration leaders for their antiregime activities. Some were held for prolonged periods, while many were

released within days. Opposition elements, such as the First Armored Division, also detained for political reasons persons affiliated with the regime.

Confirmation of the number and assessment of the status of political prisoners or detainees was difficult. The government and opposition elements severely restricted or barred information to and access by local or international humanitarian organizations, detainees were not publicly charged, and often their detentions were short-term. Absent charges, it was difficult to determine whether detainees' actions had gone beyond advocacy and dissent to acts of violence. The government also continued to detain suspects accused of links to terrorism, at times without due process.

In one notable case, a leading organizer of antiregime protests, Tawakul Karman, head of the NGO Women Journalists without Chains, was arrested on January 23 (the day following the first mass demonstrations) in front of her home in Sana'a. After widespread public outcry, she was released the next day without charge. The incident sparked increasing momentum in the growing youth opposition movement. Brief detentions were also used to harass leaders of opposition parties, such as Hassan Zaid, secretary general of the al-Haq Party, who was arrested on July 5. His captors, allegedly from the NSB, released him hours later without comment or charge (see section 3).

According to a local human rights organization, the government arbitrarily imprisoned persons for human rights advocacy. One activist, Walid Sharafuddin, was arrested in 2009 on charges of supporting the Houthis and spying for Iran. His attorney alleged that the PSO tortured him during his detention. Sharafuddin's trial, begun in December 2010, was characterized by serious procedural abuses. At year's end he remained in detention without having received a fair trial.

### **Civil Judicial Procedures and Remedies**

The law provides a limited ability to pursue civil remedies for human rights violations as tort claims against private persons. There were no reports of such efforts during the year. Citizens cannot sue the government directly, but may petition the public prosecutor to initiate an investigation.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such action, but PSO, NSB, and MOI personnel, claiming justification for security reasons, routinely searched homes and private offices,

monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters. Human rights organizations claimed security forces undertook such activities without legally issued warrants or judicial supervision. The PSO and MOI rejected these claims. The PSO stated its policies require the attorney general personally to authorize monitoring of telephone calls and reading of personal mail and e-mail. The PSO reported that to do a house search, it first obtains a warrant and a signed certification by an appointed “head of the neighborhood,” and two neighbors who serve as witnesses accompany officers on the search. However, human rights organization claimed that these heads of the neighborhood lacked independence and were typically connected to the PSO.

The law prohibits arrests or the serving of a subpoena between sundown and dawn, but persons suspected of crimes were reportedly taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI, under a regulation that was often enforced. The regulation was enforced in response to a form of sex tourism in which significant numbers of foreigners, especially Saudis, married women “temporarily” (as is possible under Islamic law) and then departed the country after a short period of time, leaving the Yemeni spouse without means of support (see section 6, Women). The MOI typically approved marriages to foreigners, if the foreigner provided a letter from his or her embassy stating that the source country had no objection to the marriage.

Security forces routinely detained relatives of fugitives as hostages until the suspect was located. In other cases, detention of family members continued while the families negotiated compensation for the alleged wrongdoing.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

There were several major internal conflicts during the year. The use of excessive force and other abuses by all parties was reported in all conflict areas.

Clashes occurred in the center of the country, near the capital, including in the districts of Arhab and Nihm, not far from the Sana'a airport and near Ta'iz. Participants were government units, including the CSF, Republican Guards, and Yemeni Special Operations Forces, and progovernment tribal proxies. Their opponents were tribal fighters, including tribesmen aligned with the al-Ahmar family in Sana'a and with Sheikh Hamud al-Mikhlaifi in Ta'iz, and the First Armored Division after its defection in March.

In the South the army and air force were deployed to combat an insurgency in Abyan Governorate waged by AQAP and affiliated militants, which had taken over the governorate's capital of Zinjibar.

In the North, tribes affiliated with the Shia Houthi movement in the governorates of Sa'ada and al-Jawf engaged in armed conflict with tribesmen affiliated with the conservative Islamic and tribal opposition party, al-Islah, as well as Salafist groups.

### **Killings**

The conflict in the South between opposition and government forces and their proxies in Sana'a and Ta'iz took place in heavily populated urban areas. Although casualty estimates were difficult to verify, one local organization affiliated with the opposition estimated 1,000 dead as a result of the clashes. The government used heavy machine guns, rocket-propelled grenades, mortars, artillery, and tanks in an indiscriminate manner, resulting in hundreds of noncombatant deaths. Opposition tribesmen and military units that had defected similarly used excessive force, resulting in a substantial number of deaths. Republican Guard forces under the command of Brigadier General Murad al-Awbali, in coordination with the local head of security, Abdullah Qairan, intentionally shelled nonmilitary targets in Ta'iz, including demonstration sites and the offices of opposition parties and affiliated NGOs, resulting in deaths and substantial property damage. Such shelling occurred repeatedly during the year, including an incident on November 11 in which government shelling reportedly killed 15 civilians. Many opposition casualties were brought to al-Rawda Hospital before it, too, was shelled, forcing the hospital's evacuation.

The government also employed air strikes against rebellious tribes in Nihm and Arhab. Human rights observers and local residents accused the government of targeting villages of these tribesmen in both areas with aerial bombardment, leading to significant noncombatant casualties. The government also employed air strikes against AQAP and affiliated insurgents in Abyan, with some strikes hitting civilian areas. Although some accused the government of intentionally striking civilians in Abyan, most if not all noncombatant casualties from these bombardments were attributed to a lack of air force training and technical capability.

Terrorist activity attributed to AQAP continued throughout the year. AQAP targeted civilians in Zinjibar, Aden, and the northern governorates of al-Jawf and Sa'ada, resulting in numerous civilian casualties. Although a tentative ceasefire between the government and Houthis led to a decrease in violence in the northern governorates, clashes persisted during the year between Houthis and Salafists.

### **Abductions**

Opposition tribal elements, particularly those associated with Sadiq and Hamid al-Ahmar, and the breakaway First Armored Division commanded by Ali Muhsin al-Ahmar, abducted government loyalists to enhance their negotiating positions. For example, First Armored Division soldiers held President Saleh's interpreter, Mohammad Sudam, and the son of the governor of Ta'iz, member of parliament Sudam al-Sufi, before releasing them in a prisoner exchange with the government. Opposition activists were also reportedly abducted by pro-Saleh civilians and government forces during armed conflict and held for short periods.

### **Child Soldiers**

Although law and policy expressly forbid the practice, persons under 18 directly participated in armed conflict during the year, on behalf of government, tribes, and opposition forces. During the year young armed personnel were observed in the ranks of the CSF, Republican Guard, and the opposition First Armored Division. Their precise ages could not be verified. The number of young soldiers appeared to increase during the year as pro- and antigovernment military units recruited tribesmen directly into their ranks.

Tribal members under 18 years of age routinely fought as part of tribal opposition or government proxies. Tribal child soldiers were not forcibly recruited. Carrying arms is a central component of identity and adulthood in tribal society and is expected of all tribesmen as young as age 12. Combatants as young as 13 reportedly engaged in conflict for both the opposition and government tribal proxies. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Other Conflict-related Abuses**

Medical facilities were also targets. On May 29, the Republican Guard reportedly raided a medical facility in Ta'iz and evicted civilian patients during its attack on demonstrators. Opposition activists accused the government of conducting the raid

to intentionally deny medical treatment to activists injured during the assault. During the September 18 clashes in Sana'a, both the opposition and government positioned snipers in the Republican Hospital. On November 11, government forces also shelled Al Rawda Hospital in Ta'iz, in which opposition casualties were seeking treatment.

The opposition First Armored Division reportedly used noncombatant and unarmed opposition demonstrators to provide cover for combatant advances in Sana'a. Figures associated with First Armored Division commander Ali Muhsin al-Ahmar reportedly encouraged demonstrators to march towards government forces deployed on government "redlines" in Sana'a to provoke a response, enabling the First Armored Division to expand its area of control under the guise of protecting demonstrators from government attacks. The most significant such incident took place on September 18 in central Sana'a, when youth activists marched to an intersection near the office of Ahmed Saleh, the president's son and head of the Republican Guard. Security forces, including the CSF, reacted with excessive force, killing dozens of protesters with live fire. The First Armored Division counterattacked, escalating the incident into a force-on-force clash, and expanded its area of control.

The government deliberately obstructed food and medical assistance to internally displaced persons (IDPs) in Houthi-held areas of Sa'ada Governorate during a six-year conflict prior to a February 2010 ceasefire and did so again after the Houthis joined the opposition and took control of Sa'ada Governorate in March. Clashes spread to neighboring Al-Jawf Governorate in July with hostilities continuing in both governorates into the fall. Houthi rebels obstructed the delivery of humanitarian assistance, allowing delivery of goods and services only under strict Houthi control. The government reportedly countered these allegations by claiming that relief convoys with humanitarian assistance did not deliver the aid because the Houthi rebels looted the convoys.

A particularly difficult situation arose in the town of Damaj, a few miles outside of Sa'ada. Zaidi-Shia Houthis who controlled Sa'ada Governorate after March, had a long-standing, low-level conflict with Sunni Salafists, who run an intellectual center in Damaj's Dar al-Hadith religious school – commonly referred to as the Damaj Institute – a leading center of Salafist learning and home to an estimated 10,000 Salafist students and their family members. In October the Houthis imposed a blockade on the town and obstructed the delivery of food and medicine, claiming that the thwarted deliveries contained weapons. The Houthis demanded that the Salafists in Damaj give up their weapons and expel the estimated

thousands of non-Yemeni students studying at the Damaj Institute. In the weeks following the siege, fighting in and around Damaj led to dozens of deaths and injuries on both sides. On December 2, ICRC-supplied food aid was allowed to enter Damaj, but obstacles to the delivery of humanitarian assistance continued at year's end.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The constitution provides for freedom of speech and press “within the limits of the law”; however, the government did not fully respect these rights in practice.

Freedom of Speech: The government attempted to impede criticism, such as by monitoring Friday sermons at mosques. In one incident, one week after a prominent imam at Al-Fardos Mosque in Sana'a criticized President Saleh, government officials unsuccessfully attempted to replace him with a new imam. On October 23, government media accused the same imam of firing a missile that killed a child in a residential neighborhood in north Sana'a. Similarly, some clerics who spoke in favor of the president were assaulted, as reported by the OHCHR delegation.

Freedom of Press: The government limited press freedom, including by confiscating copies of newspapers, harassing journalists, and banning media outlets. The 1990 Press and Publication Law criminalizes criticism of the “person of the head of state,” although not necessarily “constructive” criticism; the publication of “false information” that may spread “chaos and confusion in the country”; and “false stories intended to damage Arab and friendly countries or their relations” with the country. The press law specifies newspapers and magazines must apply annually to the government for licensing renewal and must show continuing evidence of 700,000 riyals (\$3,286) in operating capital. There were reports that authorities made the registration process bureaucratically difficult for opposition figures or organizations, while progovernment newspapers received licenses quickly.

Opposition groups also participated in inhibiting freedom of the press. On October 20, a soldier in the opposition First Armored Division opened fire on Jamal Ezz al-Deen, a correspondent for Qatar TV covering the opposition protests.



Violence and Harassment: Journalists were subjected to arrest and imprisonment, physical attack, intimidation, and deportation by the government due to their reporting. Three journalists were killed since the protests started. On March 18, Jamal Al-Sharabi, a photographer for *Al-Masdar*, and Mohamed Yahia Al-Malayia, a correspondent for *Al-Salam*, were killed when gunmen identified as government-linked opened fire on a peaceful demonstration outside the university in Change Square in Sana'a (see section 1.a.). On September 24, Al-Hurra TV cameraman Hassan al-Wadhaf died from an injury sustained when men in civilian clothing fired on an antigovernment demonstration he was filming.

Throughout the year human rights activists and journalists reported receiving repeated threatening telephone calls day and night. Activists and journalists considered these calls to be attempts by authorities to intimidate them from speaking out about southern political discontent and dissatisfaction with the Saleh regime. For example, opposition activist and 2011 Nobel laureate Tawakul Karman repeatedly received threats of kidnapping and violence directed at her, her husband, and her children.

Buildings belonging to media outlets, both pro- and antigovernment, were subject to attack throughout the year. On May 24, opposition forces shelled the building housing the government's Saba News Agency, which was later destroyed by fire. On May 25, government forces shelled a building belonging to opposition Suhail TV; they shelled it again on October 15.

The government selected items for news broadcasts and rarely permitted broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts including aggressive criticism of ministries. On March 24, government authorities ordered Al-Jazeera television's office closed and its journalists' accreditation withdrawn. Deputy Information Minister Abdo al-Janadi stated that Al-Jazeera's coverage "incites revolutions." Al-Jazeera continued to operate in Yemen, but, because of a lack of accreditation, reporters were not free to move around the country or throughout Sana'a or Ta'iz, where they were located at the end of the year.

Censorship or Content Restrictions: Unlike in 2010 the government did not censor media content prior to publication. Nonetheless, journalists and publishers self-censored political and socially sensitive items in an effort to avoid harassment, and other problems with the government, as well as self-censored socially problematic items such as women's rights.

The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and government ownership of the country's television and radio outlets, although two private Yemeni satellite television stations based outside the country were also popular. The government's control of most printing presses caused independent and opposition press that used government presses, such as independent *Al-Masdar*, to exercise self-censorship.

The security apparatus, including the NSB and military units, threatened and harassed journalists to influence media coverage. The government denied that the media were subject to censorship by any security apparatus.

The government penalized those who published items contrary to government guidelines by regularly confiscating copies of newspapers and magazines, usually at checkpoints. Seizures prevented independent and opposition print media from reaching areas outside the cities in which they were printed. Several small newspapers ceased publication because of financial difficulties stemming from confiscation of their papers, including *Al-Masdar*, *Al-Dyar*, and *Al-Nida*. On May 19, authorities at a checkpoint confiscated 12,000 copies of *Al-Oula* newspaper.

At times customs officials confiscated foreign publications they regarded as pornographic or objectionable due to religious or political content. During the year there were reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

The government required book authors to obtain certification from the Ministry of Culture for publication and to submit copies to the ministry. Publishers sometimes refused to deal with an author who had not obtained certification. The ministry approved most books, but long delays were frequent. Both the ministry and the PSO monitored and sometimes removed books from stores. A ban continued on publishers distributing books that espoused Zaydi Shia Islamic doctrine or were deemed pornographic.

### **Internet Freedom**

The government restricted Internet use by intermittently blocking access to some political and religious Web sites. There were credible reports that the government monitored e-mail and Internet chat rooms, especially those related to planned demonstrations, but social media versatility outpaced the government's surveillance capacity. Government blocks were easily bypassed, while social

media sites such as Twitter used by opposition groups were not blocked at all. Although access to the Internet was limited by scarcity of electric power, social media sites successfully advertised marches.

During the year the government reportedly blocked for extended periods a number of independent and opposition news Web sites, such as Yemenat.net, alEshteraki.net, YemenPortal.net, and Mareb Press, as well as the Web site of independent newspaper *Al-Masdar*. It also allegedly blocked and changed content on independent Web site YemenOnline.

Physical attacks against Internet journalists continued, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. Fuad Rashed, editor of opposition news Web site *Mukalla Press*, was arrested in Mukalla in Hadramaut Governorate on January 10. He was freed after 11 days.

The government limited the Internet content its citizens could access through commercially available filtering technology and control of its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, via the Ministry of Telecommunications and Information Technology. Human rights organizations and other NGOs reported the government restricted what journalists wrote and how citizens used the Internet through a variety of intimidation tactics.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom, nominally to prevent the politicization of university campuses. Political parties frequently attempted to influence academic appointments as well as university faculty and student elections. During the year security officials were present on university campuses and at intellectual forums. PSO representatives had permanent offices on the campuses. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward supporters of the ruling General People's Congress (GPC) party.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

The law provides for freedom of assembly, although it requires a permit for demonstrations. After the "Arab Spring" protests began in Yemen in late January,

the government increased in practice the already substantial limitations on this right. The government banned and disrupted demonstrations, in many cases resorting to excessive force (see section 1.a.). The government also used nonlethal means to suppress demonstrations, but often moved quickly to aggressive tactics, such as the use of water cannons and tear gas. The government continued to use expired tear gas as well as CN gas, despite receiving credible reports of serious medical complications. According to the UN, government security services also reportedly used water cannons with contaminated water in Sana'a, Ta'iz, and Aden.

In the first three months of the year, the southern secessionist Al-Hirak, a diffuse protest movement spread across the southern governorates, largely continued demonstrations, as it had since 2007, calling for secession of the region (previously the People's Democratic Republic of Yemen) from the central government in Sana'a. From March onward, Al-Hirak protesters adopted rhetoric similar to that of antiregime demonstrators throughout the country.

Early in the year, the government conducted mass arrest campaigns before and during southern protest movement demonstrations. The government claimed that it was responding to violent acts on the part of some demonstrators. The Al-Hirak demonstrations were met with excessive force, particularly in Aden during the tenure of Abdullah Qairan as chief of security in Aden. Demonstrations and clashes with government security services subsided in March, following Qairan's removal from his post.

### **Freedom of Association**

The law provides for freedom of association, and while the government nominally respected this right in practice, the ruling party retained control of professional associations through subsidies and by influencing internal elections. Associations and NGOs operated openly, but with some governmental restrictions (see section 5). The government cooperated to varying degrees depending on the issues with the country's more than 6,000 civil society organizations, including human rights NGOs, and generally facilitated the work of those that were nonpolitical or were allied with the ruling party.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <http://www.state.gov/j/drl/irf/rpt>.

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice, with some restrictions. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Although, according to the UNHCR, the country's laws and policies were consistent with international standards, the government's capacity to protect and assist persons in need was limited. The UNHCR country operations profile noted that as of August, public services in most parts of the country had "ceased to function."

In-country Movement: The government also at times restricted domestic travel by refusing to issue travel permits to conflict areas, and the army, security forces, and nongovernment tribesmen maintained checkpoints on major roads. Societal discrimination severely restricted women's freedom of movement. Women did not enjoy freedom of movement, although recent protest movements expanded exercise of these rights in practice. One local study suggested that as many as one in four women suffered from several restrictions upon their mobility, which some observers believe may be attributable to inwardness and village-centric social norms that put pressure on anyone from leaving, as well as to gender-specific restrictions. During the year authorities reportedly turned back several women at the airport because they did not have the permission of a male relative. Security officials at government checkpoints often required immigrants and refugees traveling within the country to show they possessed resident status or refugee identification cards. There were reports that at times local officials did not honor official documents. In many areas, especially in the northern areas affected by the Houthi rebels, armed tribesmen frequently restricted freedom of movement, operating their own checkpoints, sometimes with military or other security officials, and often subjecting travelers to physical harassment, extortion, theft, or short-term kidnappings for ransom.

Foreign Travel: The law requires women to have permission of a husband or male relative before applying for a passport or leaving the country. A husband or male relative could bar a woman from leaving the country, and authorities strictly enforced this requirement when women traveled with children. The government

limited the movement of foreign tourists and other foreigners, who were required to obtain exit visas before leaving the country.

### **Internally Displaced Persons (IDPs)**

Within its very limited capacity, the government provided protection and assistance to IDPs, mainly by facilitating international groups' humanitarian efforts within the limits drawn by assessment of the local security situation. While effects of the fragmented political system through most of the year reduced attention and resources for IDPs, the government still aimed to promote IDPs' safe, voluntary return or local integration through laws and policies in accordance with the UN Guiding Principles on Internal Displacement.

According to the UNHCR and the UN Office for the Coordination of Humanitarian Affairs, there were more than 463,000 IDPs in Yemen at the end of the year, all of whom were displaced by internal armed conflicts. Approximately 75 percent were in the Sa'ada and Hajja governorates in the North related to the long-running government-Houthi conflict. More than 150,000 persons became newly displaced during the year, according to the UNHCR.

As the year began, displacement had stabilized in the North since a February 2010 ceasefire after six years of fighting between the government and Houthi rebels in the northern Sa'ada Governorate. However, as clashes increased in the early months of the year between the opposition and the government, Houthi rebels gained de facto control of Sa'ada Governorate, where the government retained no authority at year's end.

In the North humanitarian organizations' access to IDPs varied by region and remained problematic through year's end because of the poor security situation. Inaccessibility prevented humanitarian assistance from reaching IDPs in certain districts of Al Jawf and Amran governorates. At times both the government and Houthi rebels limited access to the region, preventing food, medical supplies, and other assistance from reaching IDPs. In contrast with prior years, however, humanitarian agencies were able to access most parts of Sa'ada Governorate, although with significant limitations imposed by Houthi rebels.

In the South the conflict in Abyan Governorate between the government and AQAP and affiliated militants led to an increase in IDPs. Inaccessibility due to poor security prevented humanitarian assistance from reaching some parts of Abyan, Lahj, and Shabwah governorates.

Although some IDPs lived in official camps, most took shelter in scattered settlements, including with host families and relatives in communities, under trees and bridges, and in school buildings. Journalists reported many IDPs were starving and lacked basic requirements such as clean water, food, medicine, and sanitation systems. Surveys completed by the World Food Program and other international organizations throughout the country found elevated rates of acute malnutrition among displaced and other vulnerable children.

### **Protection of Refugees**

Access to Asylum: There is no law addressing the granting of refugee status or asylum, and the government has not established a system for providing protection to refugees. The government has no ability to conduct refugee status determinations on its own. The government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Of the UNHCR-estimated 211,000 refugees in October 2011, approximately 95 percent were Somalis. The UNHCR conducts individual refugee status determinations; however, the government did not consistently allow the UNHCR to perform determinations for non-Somalis whom they considered economic migrants.

Nonrefoulement: Ethiopians made up the majority of new arrivals in Yemen in 2011. Of approximately 85,000 migrants and asylum seekers recorded making the journey across the Gulf of Aden through October, approximately two-thirds were Ethiopian. Ethiopian and Eritrean asylum seekers were detained, generally without UNHCR access, and deported as economic migrants.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage, but the exercise of this right was limited in practice. The most recent elections, the 2006 presidential and local elections, were not generally considered free and fair.

### **Elections and Political Participation**

Recent Elections: Parliamentary elections scheduled for April 2009 were postponed for two years in an agreement the ruling GPC Party and the coalition of six opposition parties, the Joint Meeting Parties (JMP), signed in February 2009

after the two sides failed to agree on electoral reform. Following the outbreak of widespread opposition demonstrations in January, the JMP joined in calling for President Saleh's immediate removal from power. The parliamentary elections scheduled for April were not held, causing the parliament's constitutional mandate to expire. After April the parliament failed to attain a quorum until December 10, following President Saleh's November 23 endorsement of an international transition agreement.

Ali Abdullah Saleh won a seven-year term in the 2006 election, the country's second nationwide direct presidential race, securing 77 percent of the votes. International and local observers widely viewed the Supreme Commission for Elections and Referenda (SCER), which administers and monitors elections, as biased towards the ruling GPC. In response to growing opposition agitation, President Saleh replaced the SCER's membership with ostensibly nonpartisan judges in January.

International NGOs and the EU observer mission characterized the 2006 election positively relative to prior elections, but the EU mission noted that the GPC had an unfair electoral advantage because the state put significant resources at the disposal of GPC candidates for their campaigns.

As reported by NGOs, poorly trained administrative staff, registration of a large number of underage and dead voters, and interference by security officials marred the 2006 voter registration process. The JMP boycotted the registration process due to allegations of SCER bias. The SCER therefore recruited voter registration staff on short notice and without meaningful training.

Opposition parties or local constituencies never received a searchable electronic copy of the registration list to enable them to verify voter lists before the election. There were reports the SCER mistakenly removed eligible voters from lists in several constituencies. Many constituencies were redistricted a month before the election with new boundaries widely viewed as favoring the ruling party.

Political Parties: The law mandates that political parties be national organizations that cannot restrict their membership to a particular region, tribe, religious sect, class, or profession. Although there were instances of government harassment of opposition party officials such as the secretary-general of the al-Haq Party, political parties for the most part operated without restriction or outside interference. The constitution prohibits the establishment of parties that are



contrary to Islam, “oppose the goals of the country’s revolutions,” or violate the country’s international commitments.

The ruling GPC has been the dominant party since unification. Tribalism distorted political participation and influenced the central government’s composition. Observers noted individuals often were selected to run for office or given jobs in particular ministries based on tribal affiliation. Patriarchal systems dominated in tribal areas, so that some tribal leaders reportedly were able to influence tribal members’ votes.

Although there were no formal restrictions limiting opposition participation, the government made it difficult for some parties to organize. At year’s end the government continued to hold substantial assets of the former ruling party in South Yemen, the opposition Yemeni Socialist Party, including land and buildings seized after the 1994 civil war.

In 2007 the government announced the dissolution of the al-Haq Party for having reportedly violated the law on political parties, although the party continued to operate without government sanction. Civil society observers claimed the government abolished the party because of its affiliation with the Houthi rebels and for its appeal to Zaydi Shia. The leader of the al-Haq Party, Hassan Zaid, claimed that he received death threats and was harassed by government officials, including an incident on July 5 when alleged NSB officers detained him (see section 1.d.).

Participation of Women and Minorities: Women voted and held office, but societal discrimination limited their exercise of these rights, and largely excluded women from any meaningful participation in formal political decision-making. However, women became increasingly active politically during the Arab Spring. There was one woman in the 301-seat parliament. There were two women in the cabinet at the beginning of the year, the minister of human rights and the minister of social affairs and labor, although the minister of human rights, Huda al-Ban, resigned, protesting the March 18 violence against demonstrators by the government. Following the December 10 formation of the 35-member National Consensus Government, there were three women ministers: the minister of social affairs and labor, the minister of state of cabinet affairs, and a new minister of human rights, Huria Mashour. In the 2006 elections, 164 women competed in local and provincial council elections, and 38 won seats. Women’s rights activists and female parliamentary candidates accused the ruling party and authorities of rigging the 2006 elections against women.

Women, such as 2011 Nobel Laureate Tawakul Karman, a leading organizer of youth demonstrations, played an increasingly important role in opposition movements. The opposition movement--independent of the formal opposition parties--formed leadership committees and councils that had membership quotas for women to promote participation. Similarly, the National Council, an umbrella group with independent oppositionists as well as leaders of the opposition parties, reserved a portion of its membership and leadership positions for women. Women participated robustly and visibly in demonstrations in major cities throughout the country. They marched alongside men and maintained a constant presence at opposition sit-in sites nationwide, often sleeping overnight in tents in the protest "squares."

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. According to Article 136 of the constitution, a criminal investigation may not be conducted on a deputy minister or official of higher rank without first securing a one-fifth approval vote in parliament. Subsequently, it requires a two-thirds parliamentary vote and presidential permission to bring the results of a criminal investigation to the general prosecutor for indictment, which in essence creates a separate legal system for the political elite. The procedure was not used during the year and was infrequently employed in prior years.

Analyses by impartial international observers reinforced the validity of the common perception within and outside the country that there was a serious corruption problem in every branch and level of government. International observers presumed that government officials and parliamentarians benefited from insider arrangements, embezzlement, and bribes. Political leaders and governmental agencies took negligible action to combat corruption.

Corruption and impunity were serious problems throughout the military-security establishment and intelligence bureaucracy. There were no public governmental investigations of corruption in these areas during the year. Some police stations reportedly maintained an internal affairs section to investigate security force abuses, and citizens had the right to file complaints with the Prosecutor's Office. Enforcement of this right was inconsistent, and there were no effective investigations reported. The Ministry of Interior had a fax line for citizens to file

claims of abuse for investigation. There was no available information on how many fax complaints were received or investigated.

Government procurement was regularly affected by corruption. Between September 2009 and January, the High Tender Board (HTB), created in 2007 to monitor government procurement, reviewed legal compliance of 103 government tenders up to 213 million riyals (one million dollars). The HTB found 21 cases noncompliant. Its findings were publicly available.

The Central Organization for Control and Audit (COCA) is the national auditing agency for public expenditures and investigative body for corruption. COCA presented its reports to parliament but did not make them publicly available. The president appointed its top officials. In cases involving high-level officials, COCA submitted reports directly to the president, who had the power to veto them. Only low-ranking officials have been prosecuted for corruption since COCA's inception in 1999. The actual extent of corruption was generally considered significantly greater than what was reported confidentially to parliament.

The culture of corruption was pervasive, and petty corruption was widely reported in nearly every government office. Job candidates often were expected to purchase their positions. Tax inspectors were believed to undervalue assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

The independent Supreme National Authority for Combating Corruption (SNACC) was formed to receive complaints and develop programs to raise awareness of corruption, and includes a council of government, civil society, and private sector representatives. Members manage publicity campaigns in sectors such as media, criminal investigations, and contracts as part of a national strategy for combating corruption.

During the year the SNACC considered 241 complaints, of which 107 were referred to other jurisdictions and 76 were under investigation. Nine SNACC-referred cases remained under investigation in the Attorney General's Office and 10 were pending in court. Sentences were handed down in six SNACC-originated cases. The SNACC received 10 cases of failure of public officials to file asset declarations; none were referred to the Attorney General's Office.

Yemen Parliamentarians Against Corruption (Yemen PAC), the local branch of Arab PAC, is part of a network of parliamentarians organized to combat

corruption. It was founded in 2006 to stimulate legislative branch action to fight corruption. Without any legal mandate, Yemen PAC monitored the activities of anticorruption institutions like the SNACC and provided limited, unofficial oversight for their activities. It also attempted to push anticorruption laws through parliament. As part of a transitional National Consensus Government, Yemen PAC's head Sakher Wajeeya was sworn in as minister of finance on December 10.

The press and publications law provides for journalists to have some access to government reports and information; in practice the government offered few procedures that could ensure transparency. The law requires public disclosure of government officials' assets, and the government provided limited information via the Internet.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated with varying degrees of government restriction. Groups investigated human rights cases with little constraint and published their findings in international, regional, and local media. However, they reported that government officials were frequently uncooperative and unresponsive to their views and requests for information.

The law regulates associations and foundations and outlines the establishment and activities of NGOs. The law exempts NGOs from taxes and tariffs and requires the government to provide a reason for denying an NGO registration, for example, if it perceives an NGO's activities as "detrimental" to the state. Registration is required on an annual basis. The law also forbids NGOs from being involved in political or religious activities. The law permits some foreign funding of NGOs and requires government observation of NGO internal elections.

In April the law governing associations and foundations was amended to provide for additional restrictions on the ability of international NGOs to operate, including approval requirements and oversight by the Ministry of Planning and International Cooperation. However, parliament's term had expired, and the president disbanded the cabinet, although it continued operating in a "caretaker" status until the National Consensus Government's cabinet was formed on December 10. In these circumstances the government did not attempt to enforce the new amendments.

Although limited by the turbulent political and security situation, domestic human rights NGOs continued to operate throughout the year. The government met with and responded to them to varying degrees, often arbitrarily. The operational landscape for human rights related-NGOs was complex, as the government provided stipends and registration approval to all NGOs. However, the government reportedly denied or delayed annual registration and subsidies of some NGOs critical of the government. In addition, the government used arbitrary detention to intimidate NGOs and media outlets critical of the government. Security services detained the director of the human rights NGO HOOD on multiple occasions during the year. Reportedly, progovernment NGOs received support from the ruling party and the government, while others received support from opposition political parties. Still others maintained neutrality and accepted no funding from political parties.

Some NGOs limited their activities to avoid government attention. The government requires NGOs to register annually or be declared illegal, but NGOs that were not granted licenses nevertheless continued to operate. In some instances the government reportedly registered progovernment “clone” versions of an NGO, recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications had to be resubmitted under a new name. The government reportedly used financial reviews as a pretext to harass or close NGOs

Due to the civil unrest, the government at times limited access by international human rights organizations, usually citing security concerns, although the government cooperated with the OHCHR delegation during its June 28-July 6 visit. AI, Human Rights Watch, an EU parliamentary delegation, and the international NGO Committee to Protect Journalists received limited access to records, information on detention centers, and prisons in order to publish articles and reports on various Web sites.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law provides for equal rights and equal opportunity for all citizens; however, the government did not consistently enforce the law. Discrimination based on race, gender, and disability remained serious problems. One group, the marginalized Akhdam community, faced societal discrimination based on social status. Societal discrimination severely limited women’s ability to exercise equal rights.

## Women

Rape and Domestic Violence: The law criminalizes rape, although spousal rape is not criminalized because a woman may not refuse sexual relations with her husband. The government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, the maximum sentence was not imposed. There were no reliable statistics on the number of rapes.

Most rape victims did not report the crime for fear of “shaming” the family and incurring violent retaliation. Rape victims were reportedly prosecuted on charges of fornication after the perpetrator was not charged. According to the law, without a confession the defense must provide four female or two male witnesses to the crime. Flagrant corruption often hindered investigations.

The law provides women with protection against domestic violence under the general rubric of protecting persons against violence, but it was ineffectively enforced. Although spousal abuse occurred, it generally was undocumented. Courts were largely viewed as corrupt, while tribal customary law was seen to be more effective and more likely to present a better outcome for women complainants, because violence against women and children was considered a family affair and usually went unreported to police. Due to social pressures, an abused woman was expected to take her complaint to a male relative (rather than to authorities) to intercede on her behalf or provide sanctuary.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana’a, but the large majority of Yemenis live in rural areas without such access.

The media and women’s rights activists continued to investigate and report on violations of women’s rights. During the year NGOs sponsored several women’s rights conferences dealing with matters such as violence against women, increasing the political representation of women, and economic empowerment. The Ministry of Information broadcast programs on official television and radio stations promoting women’s rights but avoided sensitive women’s rights’ topics such as forced marriage and illiteracy.

Harmful Traditional Practices: The penal code allows leniency for persons guilty of committing an honor crime, violent assault, or killing committed against women for perceived “immodest” or “defiant” behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and

forced early marriage. The law regarding violence against women states a man should be executed if convicted of killing a woman. However, a husband who kills his wife and her lover may receive a substantially reduced sentence. Criminal sanction for spousal violence was rare. Like all murders and serious crimes, violence against women was usually handled through the tribal arbitration process rather than through the criminal courts. Local female tribal experts have argued that tribal arbitration is fairer for women, and was often preferred to the courts for that reason.

Sexual Harassment: The extent, as well as a legal definition within the local context, of sexual harassment was difficult to determine, although direct observation and very infrequent media reports suggested it occurred both in the workplace and in the streets. No specific laws prohibit sexual harassment. There were anecdotal reports of men accused of sexual harassment being transferred to other offices to prevent further incidents. Regime elements targeted female protesters and accused them of being “unfeminine” and “un-Islamic.”

Sex Tourism: No laws specifically address sex tourism from outside the country, but it was a problem, particularly in Aden and Sana’a. Reportedly, some elements of the MOI and PSO reporting to the president unofficially facilitated it through corruption for financial gain, although the MOI attempted to stop the use of “temporary marriage” provisions of Islamic law as a vehicle for sex tourism (see section 1.f.).

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. However, societal pressure, women’s lack of education, and the young age of marriage for many women and girls meant that many women in reality had little to no control over reproduction. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. It was technically illegal for single women to access contraception, but if a particular contraceptive (such as the pill) has another medical use, it can be used. The information and means to make those decisions were freely available in cities, although contraception, obstetric care, and postpartum care were too costly for much of the population. Most women gave birth at home without skilled attendance and did not see a doctor during their pregnancies or after delivery. According to the latest available UN statistics, there were approximately 210 maternal deaths per 100,000 live births in the country in 2008. Information was

not available regarding women's equal diagnosis and treatment of sexually transmitted infections.

Discrimination: Women do not enjoy the same legal status as men under family law, property law, inheritance law, and in the judicial system. They experienced discrimination in such areas as employment, credit, pay, owning or managing businesses, education, and housing. This discrimination was accentuated by the 65 percent female illiteracy rate.

Women faced discrimination under family law and inheritance law. Courts awarded custody of children to the divorced husband or the deceased husband's family when they attained a specified age (seven years for boys and nine years for girls). In numerous cases former husbands prevented divorced noncitizen women from visiting their children. Under Sharia inheritance laws, which assumes women will receive support from their husbands, daughters receive half the inheritance awarded to their brothers.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. Sharia discriminates against women in calculating accidental death or injury compensation; women receive 50 percent of what men receive. Female parties in court proceedings such as divorce and family law cases normally deputized male relatives to speak on their behalf; however, they have the option to speak for themselves.

A husband may divorce a wife without justifying the action in court. Under the formal court system, a woman must provide a justification. However, under tribal customary law, a woman has the right to divorce without justification.

Some interpretations of Sharia in the country prohibit a Muslim woman from marrying a non-Muslim man, although other interpretations permit marrying a Christian or Jewish man. A Muslim man is allowed to marry a non-Muslim woman. Women may only confer citizenship on their foreign-born spouses after the foreigner has resided in the country for 15 years. The foreign wife of a male citizen must remain in the country for two years to obtain a residency permit.

Any citizen who wishes to marry a foreigner must obtain the permission of the Ministry of Interior. A woman wishing to marry a foreigner must present proof of her parents' approval. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior." A close male relative has the authority to approve a female citizen's travel (see section 2.d.).



Women experienced economic discrimination. The law stipulates women are equal to men in employment rights, but women's rights activists and NGOs reported that discrimination was a common practice in the public and private sectors. Women's unemployment rate was nearly four times that of men, women's wages were on average one-fifth those of men, and women were largely excluded from the professions.

Cultural barriers also restricted the exercise of women's property rights. In most rural areas, social norms largely prevented women from owning land. Cultural barriers also restricted women's access to formal credit.

Governmental mechanisms to enforce equal protection were weak or nonexistent.

According to the Ministry of Social and Labor Affairs (MSAL), more than 170 NGOs worked for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee conducted workshops on women's rights. The Arab Sisters Forum, with funding from a donor government and in cooperation with the MSAL, established projects aimed at providing protection against violence for women and children.

## **Children**

Birth Registration: Citizenship is derived from one's parents. A child of a Yemeni father is a citizen. Women may confer citizenship on children born of a foreign-born father if the child is born in Yemen. Women do not have the right to confer citizenship on their foreign-born spouses. Although the Ministry of Interior may permit a woman to confer citizenship on a child of a foreign-born father if the child was born abroad and the father died or abandoned the child, such citizenship was rarely granted.

There was no universal birth registration, and many children, especially in rural areas, were never registered or were registered several years after birth. The requirement that children must have birth certificates to register for school was not universally enforced. There were no other reports of services being denied to children based on lack of registration. The lack of birth registration compounded difficulties in proving age, which led to minors being recruited into the military,

and juveniles being tried and sentenced as adults, including receiving the death penalty.

Education: The law provides for universal, compulsory, and tuition-free education from age six to 15. Public schooling was available to children through the secondary school level. Although attendance was mandatory through the ninth grade, only 79 percent of boys and 66 percent of girls attended primary school. The gender gap was larger for secondary and postsecondary schooling, with 21 percent of girls attending secondary school and only 6 percent going on to postsecondary education.

Medical Care: Due to societal discrimination, male children received preferential medical treatment.

Child Abuse: The law does not define or prohibit child abuse, and there was no reliable data on its extent.

Female Genital Mutilation (FGM): The law prohibits FGM, but, according to a 2009 UN estimate, its prevalence was approximately 20 percent for girls. It was pervasive in the coastal areas, where it was perpetrated on infants less than 40 days old. Although government health workers and officials discouraged the practice, women's groups reported FGM rates as high as 90 percent in some coastal areas, such as Mahara and Hudeidah. The Women's National Committee and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Child Marriage: There was no minimum age of marriage, and girls were married as young as eight years of age. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. According to a 2009 MSAL study, a quarter of all girls were married before they were 15 years old. The problem of child marriage was politically contentious, and, according to the ministry, the government did not promote public awareness campaigns on the negative effects of child marriage. A 2009 law setting the minimum age for marriage at age 17 was repealed in 2010 due to pressure from traditional elements of society.

Sexual Exploitation of Children: No law defines statutory rape, and no legal limits are placed on the age for consensual sex. The law prohibits pornography, including child pornography. There were reports that underage girls were coerced

into prostitution in major cities, particularly in Aden and Sana'a. The practice of foreigners visiting the country to enter short-term marriages with underage Yemeni girls was also reported.

**Child Soldiers:** Reports of child soldiers increased in a number of armed conflicts across the country (see section 1.g.). The use of child soldiers is forbidden by law, and the government opposed the practice as a matter of policy. However, tribes the government armed and financed to fight alongside the regular army used children in combat, according to reports by international NGOs such as Save the Children.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflicts in the northern tribal areas. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result half of the tribal fighters in such conflicts were children who had volunteered to demonstrate their tribal allegiance, according to international and local human rights NGOs.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The government's stated policy was to protect the country's Jewish community, which numbered fewer than 250 citizens. Members of the Jewish community are not eligible to serve in the military or federal government.

Although anti-Semitic material rarely appeared in mainstream media, in the March 5 *October 14* daily newspaper in Aden, columnist 'Alawi Abdallah Taher accused Jews of instigating the uprisings in the Arab world, based on instructions written in the forged and discredited *Protocols of the Elders of Zion*.

The historic Sa'ada community of 58 Jews, which relocated to Sana'a in 2007 after Houthi threatened it, remained under government sponsorship and continued to receive government stipends.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **Persons with Disabilities**

Several laws mandate the rights and care of persons with disabilities, but there was discrimination against such persons. No law mandates accessibility of buildings, information, and communications for persons with disabilities.

Information about patterns of abuse of persons with disabilities in educational and mental health institutions was not available.

Authorities imprisoned persons with mental disabilities without providing adequate medical care. According to the Ministry of Human Rights, nurses and doctors watched the inmates. In some instances authorities detained without charge persons with mental disabilities and placed them in prisons with criminals. The MOI reported that at times family members brought relatives with mental disabilities to MOI-run prisons, asking officers to imprison the individuals. At year's end MOI-run prisons in Sana'a, Aden, and Ta'iz operated in conjunction with the Red Crescent semiautonomous units for prisoners with mental disabilities; conditions in these units reportedly were deficient. At year's end neither the MOI nor Ministry of Health had acted on a 2005 MOI initiative to establish centers for persons with mental illness.

The MSAL is responsible for protecting the rights of persons with disabilities. The government's Social Fund for Development and the Fund for the Care and Rehabilitation of the Disabled, administered by the MSAL, provided limited basic services and supported more than 60 NGOs to assist persons with disabilities.

By law, 5 percent of government jobs should be reserved for persons with disabilities, and the law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws were implemented.

## **National/Racial/Ethnic Minorities**

Although racial discrimination is illegal, racial and societal discrimination against the Akhdam (an estimated 2-5 percent of the population) was a problem. The Akhdam generally lived in poverty and endured persistent social discrimination. According to a 2009 study by the NGO Save the Children, the Akhdam community, an ethnic minority descended from East Africans, was the social group

most vulnerable to discrimination. The government's social fund for development provided basic services to assist them.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is a crime punishable by death under the country's interpretation of Islamic law. Due to the illegality and possibly severe punishment for homosexuality, there were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination, physical violence, or harassment based on sexual orientation or gender identity, and there was no official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, largely because, since same-sex sexual activity is illegal, LGBT issues were not considered "relevant" for official reporting by the government. Few LGBT persons were open about their sexual orientation or gender identity.

### **Other Societal Violence or Discrimination**

There was no societal violence or public reports of discrimination against persons with HIV/AIDS; however, the topic was socially sensitive and not discussed publicly.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The labor code provides for the right to organize and bargain collectively without government interference; however, these protections do not apply to the majority of the workforce, as the labor code does not apply to public servants, day laborers, domestic servants, foreign workers, and other groups. The law generally protects employees from antiunion discrimination and prohibits dismissal for union activities.

Unions may negotiate wage settlements for their members and may conduct strikes or other actions to achieve their demands. There are significant restrictions on the right to strike and excessive requirements for legal strikes. Workers have the right to strike only if prior attempts at negotiation and arbitration fail; they must give

advance notice to the employer and government and receive prior written approval from the executive office of the General Federation of Unions of the Republic.

Employees may appeal any dispute, including cases of antiunion discrimination, to the Ministry of Social and Labor Affairs. Employees also may take a case to the labor arbitration committee, which the ministry chairs, composed of an employer representative and a General Federation of the Yemeni Workers' Trade Unions (GFYWTU) representative. Generally, parties preferred to resolve cases via the committee system, since court proceedings are costly and the system is often corrupt.

Public sector employees must take labor grievances to court.

Although not required by law, in practice all unions are federated within the GFYWTU). Although not formally affiliated with the government, it is the only official federation and works closely with the government to resolve labor disputes through negotiation.

Freedom of association and the right to collective bargaining were not respected in practice. The government interfered in union activities. Ministry of Social Affairs and Labor bylaws require that union elections take place at least every three years, with ministry officials present as witnesses. The ministry also has veto power over collective bargaining agreements.

The government at times sought to influence unions by placing its own personnel inside groups and organizations. In some instances political parties attempted to control professional associations by influencing internal elections or placing their own personnel, usually tied to the government, in positions of influence in unions and professional associations. ]

In reality a union's ability to strike depended on its political strength and closeness to the ruling party.

The majority of employers in the private sector register only five to 10 employees, which allowed them to avoid many social security and labor union regulations. Fewer than 100,000 employees worked for companies with more than 100 employees, making it difficult for the vast majority of workers to enjoy union protection and benefits.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children; however, the government did not effectively enforce such laws, and there were reports of such practices (see section 7.c., Prohibition of Child Labor). In some instances children were forced into domestic servitude and agricultural work, women were forced into domestic servitude or prostitution, and migrant workers were vulnerable to forced labor conditions.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The child rights law prohibits child labor; however, the government did not effectively implement the law, and there were inconsistencies in the law with regard to minimum age for work and hazardous work.

All child labor under the age of 14 is illegal under the National Rights of the Child Law. Under the law children ages 14 to 18 may work under formal contracts for no longer than six hours a day, with a one hour break after four consecutive work hours, on weekdays between 7 a.m. and 7 p.m. Children under age 18 are prohibited from engaging in hazardous forms of work based upon work conditions and health circumstances, rather than by specific sectors or industries.

The child labor unit at the ministry was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to limited resources and the security situation, child labor inspectors were unable to travel to conduct their work during the year.

Although penalties exist to punish the worst forms of child labor, the government made minimal enforcement efforts. The ministry has trained safety inspectors to work also as child labor inspectors, raising the total number of inspectors to 57. Reportedly, most cases were resolved between inspectors and employers with a verbal warning if child labor violations were found.

The child labor unit at the ministry was responsible for implementing and enforcing child labor laws and regulations; however, extensive ministerial budget cuts reduced the unit's resources and hampered enforcement. There was no available information on the number of arrests, investigations, and prosecutions for offences related to the worst forms of child labor.

Child labor was common, including in its worst forms. As of 2009 the UN estimated approximately 23 percent of children between the ages of five and 14 worked.

Approximately 52 percent of boys between the ages of 10 and 14 were in the workforce, compared to 48 percent of girls in the same age group. An estimated 83 percent of working children (including street beggars) worked for their families, and 17 percent worked outside the family. In rural areas many children were required to work in subsistence farming due to family poverty. In urban areas children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas where schools were not easily accessible. According to the MSAL, small factories and shops, particularly in rural areas, employed children outside the family.

Children also reportedly worked in dangerous conditions in construction, off-shore fishing, mining, and waste dumps.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda/htm](http://www.dol.gov/ilab/programs/ocft/tda/htm) and the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### **d. Acceptable Conditions of Work**

There was no established minimum wage. The labor law provides equal wages for public sector workers working in joint ventures between the government and the private sector and in parastatals and civil servants hired by the Ministry of Civil Service. Private sector workers, especially skilled technicians, earn a higher wage. During the year the minimum civil service wage fell below the country's poverty level, below which, according to the World Bank, an estimated 60 percent of the population lived.

The law specifies a maximum 48-hour workweek with a maximum eight-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was seven hours per day from Saturday through Wednesday.

The Ministry of Social Affairs and Labor is responsible for regulating workplace health and safety conditions. The labor law regulates occupational health.



However, enforcement was weak to nonexistent due to lack of capacity and constrained resources. The ministry's vocational safety department relied on inspection committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Such committees, however, were also constrained by a lack of funding and resources, such as vehicles for committee members to travel to factories for inspections. Some foreign-owned companies and major manufacturers have implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge such dismissals in court, but there were no reported instances during the year.